

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

JOINT STANDING COMMITTEE ON MARINE RESOURCES

August 2017

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STATE OF MAINE

128TH LEGISLATURE
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LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 128th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

CARRIED OVER..... carried over to a subsequent session of the Legislature
CON RES XXX..... chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE..... emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT..... legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY..... ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 128th Legislature is Wednesday, November 1, 2017. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Marine Resources

the holder of a marine harvesting demonstration license from the prohibition on hauling on Sundays in the summer.

Committee Amendment "A" (H-347)

This amendment retains the provisions of the bill that prohibit the sale of offal for use as bait to fish for or take lobsters or crabs and that exempt the holder of a marine harvesting demonstration license from the prohibition on hauling on Sundays in the summer.

The amendment removes the provision of the bill that specifies that license revocation for a conviction of scrubbing egged lobsters may be permanent.

The amendment removes the provision of the bill limiting the commercial pelagic and anadromous fishing license to residents unless a nonresident's state allows residents of Maine to fish for those species in that state.

The amendment provides that the definition of "offal" does not include fat attached to an animal hide from which the hair has been removed as long as the total thickness of fat and animal hide does not exceed one and a quarter inches.

The amendment provides that a holder of a Class I, Class II or Class III lobster and crab fishing license or noncommercial lobster and crab fishing license is not eligible to obtain a marine harvesting demonstration license and that the Commissioner of Marine Resources may permanently revoke the marine harvesting demonstration license of a person who sells, retains, ships or transports any portion of the catch or does not release all organisms alive into the area from which the organisms were harvested under that license. The amendment requires the holder of a retail seafood license buying directly from a harvester a species for which an electronic reporting requirement is in place to obtain an endorsement for that species from the Department of Marine Resources at no cost.

Enacted Law Summary

Public Law 2017, chapter 146 makes technical changes to Maine's marine resources laws. Public Law 2017, chapter 146 prohibits the sale of offal for use as bait to fish for or take lobsters or crabs. Public Law 2017, chapter 146 provides that the definition of "offal" does not include fat attached to an animal hide from which the hair has been removed as long as the total thickness of fat and animal hide does not exceed one and a quarter inches. Public Law 2017, chapter 146 exempts the holder of a marine harvesting demonstration license from the prohibition on hauling on Sundays in the summer and provides that a holder of a Class I, Class II or Class III lobster and crab fishing license or noncommercial lobster and crab fishing license is not eligible to obtain a marine harvesting demonstration license and that the Commissioner of Marine Resources may permanently revoke the marine harvesting demonstration license of a person who sells, retains, ships or transports any portion of the catch or does not release all organisms alive into the area from which the organisms were harvested under that license. Public Law 2017, chapter 146 requires the holder of a retail seafood license buying directly from a harvester a species for which an electronic reporting requirement is in place to obtain an endorsement for that species from the Department of Marine Resources at no cost.

Public Law 2017, chapter 146 was enacted as an emergency measure effective June 8, 2017.

LD 1316

An Act To Provide for an Elver Dealer's License for the Houlton Band of Maliseet Indians

INDEF PP

Sponsor(s)

BEAR H

Committee Report

ONTP
OTP

Amendments Adopted

This bill requires the Department of Marine Resources to issue an elver dealer's license to the Houlton Band of Maliseet Indians at no cost annually.

Joint Standing Committee on Marine Resources

House Amendment "A" (H-423)

This amendment removes the emergency preamble and clause and the provision that requires the department to issue an elver dealer's license to the Houlton Band of Maliseet Indians for the 2017 elver fishing season.

This amendment was not adopted.

LD 1379 An Act Regarding Enforcement of Marine Resources Laws and ONTP
Suspensions of Marine Resources Licenses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KUMIEGA W	ONTP	

This bill amends the marine resources licensing consent to inspection provision to allow marine patrol to place covert electronic surveillance equipment on lobster vessels for the purpose of determining if a license holder is violating any laws or rules regarding the hauling of lobster gear. It also creates a process under which the covert electronic surveillance equipment may be used, including the requirement for probable cause. It expands the violations for which a marine resources license may be administratively suspended to include the Maine Revised Statutes, Title 17-A, chapter 15, theft, chapter 31, offenses against public administration, and criminal offense against a marine patrol officer. These are already included in the list of violations for which a license may be suspended following conviction. Violations of Title 17-A, chapter 33, arson and other property destruction, are added to both license suspension provisions, administrative suspension and following conviction.

LD 1380 An Act To Implement an Owner-Operator Requirement in the Scallop ONTP
and Sea Urchin Fisheries

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KUMIEGA W	ONTP	

This bill creates an owner-operator requirement for a scallop dragging license and sea urchin dragging license. It changes from major substantive rules to routine technical rules the rules to allow entry in the scallop fishery. It specifies that the prohibition against fishing for or taking scallops from April 16th to November 30th applies only to scallop dragging. It also allows the Commissioner of Marine Resources to amend by rule the boundaries of sea urchin Zone 1 and Zone 2.

LD 1438 An Act To Improve the Aquaculture Leasing and Licensing Laws PUBLIC 159

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN M	OTP-AM	H-287

This bill amends the aquaculture leasing and licensing laws. It removes the prohibition on the provision by the Department of Marine Resources of promotional and marketing assistance to the aquaculture industry. It extends the potential term of an aquaculture lease from 10 to 20 years. It changes the order of preference for lease applications to include in the second position an individual who currently holds a limited-purpose aquaculture license for the area. It provides a process by which a holder of a standard lease could seek an expansion of the lease area by up to 10% once during the duration of the lease without having to apply for a new lease. It places the licensed activities and criteria for limited-purpose aquaculture licenses in separate statutory provisions. It requires a